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Attorneys for Plaintiff-in-Intervention NEW HAMPSHIRE INSURANCE  
COMPANY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KEVIN WILSON,

Plaintiffs,

vs.

J.P. ALLEN COMPANY DBA  
HOLIDAY INN BURBANK-  
MEDIA CENTER a California  
Corporation; and DOES 1 through  
10, inclusive

Defendants

NEW HAMPSHIRE INSURANCE  
COMPANY,

Intervenor

**Case No:** CV 13-7946 CAS (MRWx)

**COMPLAINT-IN-INTERVENTION;  
REIMBURSEMENT FOR WORKERS'  
COMPENSATION EXPENDITURES**  
(Labor Code §3852-3853)

*Assigned to U.S. District Judge  
Christina A. Snyder Courtroom 5*

Intervenor NEW HAMPSHIRE INSURANCE COMPANY (“intervenor”  
or “NHIC”) is informed and believes, and upon that basis alleges the following:

1. Intervenor was the workers' compensation insurance carrier for JetBlue Airways Corporation, the employer of plaintiff herein, KEVIN WILSON, at the time of the subject trip and fall accident resulting in injuries as alleged in plaintiff's complaint, on or about February 11, 2012.
2. Intervenor was, at the time of the subject incident, a duly organized and authorized workers' compensation insurer, and was obligated under a duly issued and valid policy of workers' compensation insurance, to pay workers' compensation benefits to the employees of JetBlue Airways Corporation, including KEVIN WILSON.
3. Defendant in Intervention J.P. ALLEN COMPANY DBA HOLIDAY INN BURBANK-MEDIA CENTER is a business entity incorporated in the State of California and as the HOLIDAY INN BURBANK-MEDIA CENTER.
4. Intervenor does not know the true names and capacities of the persons sued as DOES 1 through 10.
5. INTERVENOR is informed and believes, and upon that basis alleges, that defendant J.P. ALLEN COMPANY DBA HOLIDAY INN BURBANK-MEDIA CENTER, a corporation, was doing business in the state of California and was the owner, lessor or lessee, operator, proprietor and/ or franchisor operating a Holiday Inn-branded hotel in Burbank, California, at all times alleged hereinbelow. The address at which the subject accident occurred is alleged, on information and belief, to be 150 East Angeleno, Burbank, California 91502, "the subject property."
6. PLAINTIFF is informed and believes, and on that basis alleges, that at all times mentioned herein and material hereto, defendants, and each of them, were responsible for maintaining the hotel facilities in a safe, clean and hazard-free condition for its business invitee customers.

- 1 7. PLAINTIFF is informed and believes, and on that basis alleges, that at all  
2 times mentioned herein and material hereto, the defendants were acting as  
3 agents of each other and with the consent, permission, and knowledge of  
4 the other.
- 5 8. The location of the subject property, located in Burbank, California, is  
6 located within the County of Los Angeles, State of California. The  
7 subject slip and fall accident occurred on February 11, 2012.
- 8 9. At the time of the accident described in the previous paragraph, KEVIN  
9 WILSON was lawfully upon the subject premises as a business invitee,  
10 and was acting within the course and scope of his employment with  
11 JetBlue Airways Corporation as a Flight Attendant. As KEVIN WILSON  
12 proceeded to the shuttle as a business invitee, he slipped and fell on  
13 negligently maintenance and unmarked curb in front of the entrance to the  
14 hotel on the hotel property, causing him to fall forward and sustain  
15 personal injuries.
- 16 10. February 11, 2012 at the subject premises, defendants, and each of them,  
17 so negligently, carelessly, wantonly, recklessly, tortiously and unlawfully  
18 managed, maintained, serviced, inspected, operated, repaired, designed,  
19 painted, and/or cleaned the subject property and so carelessly, negligently,  
20 wantonly, recklessly, tortiously, and unlawfully conducted themselves so  
21 as to proximately cause the hereinafter-described damages to KEVIN  
22 WILSON by creating a hazardous condition which caused KEVIN  
23 WILSON'S slip and fall, or trip and fall, incident, as described  
24 hereinabove, causing personal injuries.
- 25 11. As a proximate result of each defendants' negligence and the conduct  
26 herein alleged, KEVIN WILSON sustained bodily injuries. These injuries  
27 arose out of, and in the course and scope of KEVIN WILSON'S  
28

1 employment with JetBlue Airways Corporation.

2 12. As a further proximate result of the negligence of defendants, and each of  
3 them, INTERVENOR became obligated to pay workers' compensation  
4 medical expenses and indemnity benefits in the current sum of over  
5 \$59,000.00 to KEVIN WILSON. INTERVENOR will become obligated  
6 to pay further benefits in sums not yet fully determined but which will be  
7 specified by amendment hereto when ascertained or proved.

8 13. The monetary amount of damages needed to compensate KEVIN  
9 WILSON for his personal injuries and temporary and permanent disability  
10 for the harm and loss caused by the defendants' legal fault, which is the  
11 responsibility of INTERVENOR, exceeds the amount claimed by the  
12 INTERVENOR in this lawsuit.

13  
14 WHEREFORE, Intervenor prays for:

- 15 1. An order permitting it to intervene in this action;  
16 2. Reimbursement of benefits paid and payable to and on behalf of KEVIN  
17 WILSON in the following sums: \$59,000 as well as additional sums  
18 which Intervenor will accrue in the future, plus interest on such  
19 payments;  
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- 1 3. Reasonable litigation expenses and a reasonable attorney fee;
- 2 4. Declaration of the rights and duties among the parties, and;
- 3 5. All other just relief.

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5 Respectfully submitted,  
6 LAW OFFICES OF KEVIN PEGAN

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8 Dated: May 7, 2014

9 By: /s/ Stephen P. Bergen  
10 Richard P. Larriva,  
11 Stephen P. Bergen,  
12 Attorneys for NEW HAMPSHIRE  
13 INSURANCE COMPANY

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